

DECLARATION OF GARY A. CLARK

I, Gary A. Clark, declare as follows:

1. I am an attorney duly admitted and in good standing to practice in patent cases before the U.S. Patent and Trademark Office. I have personal knowledge of the facts set forth in this declaration.

2. The present application is a continuation of application Serial No. 08/766,862, filed December 13, 1996, now U.S. Patent No. 6,334,530 ("the '530 patent"). I have been attorney of record for Applicant Shannon Morris continuously since the filing of the parent application. Both the parent application and the present application have been examined at every stage by the same examiner, Examiner Luan K. Bui.

3. Attached hereto as Exhibit A is a true and correct copy of the *Decision on Appeal*, dated September 29, 2000, in the parent application.

4. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 5,040,681 to Grusin.

5. Attached hereto as Exhibit C is a true and correct copy of an *Amendment*, dated April 19, 2001.

6. Attached hereto as Exhibit D is a true and correct copy of the *Notice of Allowability* in parent application.

7. Attached hereto as Exhibit E a true and correct copy of the cover and pages 1 and 9 of the present application as filed.

8. Attached hereto as Exhibit F a true and correct copy of an *Office Action*, mailed May 2, 2002.

9. Attached hereto as Exhibit G is a true and correct copy of an *Amendment*, dated August 30, 2002.

10. Attached hereto as Exhibit H a true and correct copy of an *Office Action*, mailed October 30, 2002. This *Office Action* was erroneously designated "final" on page 5. As a result I filed a *Request to Reset or Restart Reply Period and to Correct*

*Office Action to be Non-Final*, which resulted in the *Office Action* being corrected and reissued.

11. Attached hereto as Exhibit I a true and correct copy of a reissued *Office Action*, mailed April 23, 2003.

12. Attached hereto as Exhibit J a true and correct copy of an *Amendment*, dated April 29, 2003. In response to this *Amendment*, Examiner Bui issued a third *Office Action* containing a restriction requirement to which Applicant responded by *Amendment*, dated July 31, 2003.

13. Attached hereto as Exhibit K is a true and correct copy of an *Office Action*, mailed September 2, 2003.

14. Attached hereto as Exhibit L is a true and correct copy of a *Request for Interview for Reconsideration of Final Rejection*, dated October 29, 2003.

15. Attached hereto as Exhibit M is a true and correct copy of an *Interview Summary*, dated November 5, 2003. This Interview Summary accurately summarizes the telephonic interview I had with Examiner Bui on November 4, 2003. At the same time, I filed a *Notice of Appeal* on behalf of Applicant.

16. Attached hereto as Exhibit N is a true and correct copy of an *Advisory Action*, mailed November 6, 2003. The *Advisory Action* does not correctly summarize what Examiner Bui stated during the interview. However, it is correct to the extent it does not represent that Examiner Bui revealed to me the grounds for rejecting claims 8-11 that Examiner Bui would later assert in the *Examiner's Answer* on appeal.

17. Attached hereto as Exhibit O is a true and correct copy of *Appellant's Brief*, dated January 5, 2004.

18. Attached hereto as Exhibit P is a true and correct copy of the *Examiner's Answer*, mailed February 6, 2004. At no time prior to this *Examiner's Answer* did Examiner Bui reveal his interpretation of the word "over", or his position that, "The knob of Grusin is inherently capable of receiving the at least one finger ring over the knob on the planar top surface since the claim as broadly recited read [sic] on the at least one finger ring placed on the planar top surface of the knob/over the knob [sic],"

as set forth on page 4 of the *Examiner's Answer*. I relied throughout the prosecution of the present application on the understanding that Examiner Bui was using the same interpretation of the claim language "the knob having a diameter and height capable of receiving at least one finger ring over the knob" as he implicitly must have used in allowing claim 8 of the parent application over Grusin.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed February 18, 2004, at Los Angeles, California.

Gary A. Clark